

## REMARKS

### Remark 1:

Applicant has made amendments to Drawing Sheet 9 of 10 and submits herewith "THIRD REPLACEMENT SHEET 9/10" for consideration by Examiner. Applicant submits the amendments overcome rejection of the Drawings by Examiner. More particularly, in FIG. 6 the element labeled "601" has been labeled "602", and the element labeled "602" has been labeled "601". Examiner's expedient examination of the foregoing drawing sheet is respectfully requested by Applicant.

### Remark 2:

Applicant has made amendments to Claim 1 and submits herewith "Claim 1 (currently amended)" for consideration by Examiner. Applicant submits the amendments overcome 35 USC § 112 rejection of the Claim 1 by Examiner. More particularly, there is antecedent basis provided for "the hydraulic power" and "the lid". Examiner's expedient examination of the foregoing claim is respectfully requested by Applicant.

### Remark 3:

Applicant has made amendments to Claim 4 and submits herewith "Claim 4 (currently amended)" for consideration by Examiner. Applicant submits the amendments overcome 35 USC § 112 rejection of the Claim 4 by Examiner. Examiner's expedient examination of the foregoing claim is respectfully requested by Applicant.

### Remark 4:

Applicant has made amendments to Claim 4 and submits herewith "Claim 4 (currently amended)" for consideration by Examiner. Applicant submits the amendments overcome 35 USC § 102

rejection of the Claim 4 by Examiner. Examiner's expedient examination of the foregoing claim is respectfully requested by Applicant.

**Remark 5:**

Applicant re-affirms the following remarks mailed March 28, 2006:

Anticipation of invention occurs only when some single prior article, patent, or publication contains within its four corners every element of a claim in question; patentability is not anticipated when its elements are distributed among several prior publications or devices. *Paeco, Inc. v. Applied Moldings, Inc.*, C.A.3 (Pa.) 1977, 562 F.2d 870, 194 U.S.P.Q. 353.

The *Conterno* reference does not, by itself, without the benefit of impermissible assumptions, *disclose or describe, expressly or inherently*:

- (1) a lid section for an underwater enclosure; nor
- (2) a hinged edge pivotally coupling the lid section to the underwater enclosure; nor
- (3) a torsion structural member disposed adjacent the inner surface and adjacent the hinged edge; nor
- (4) coupling means located on each side edge for coupling the lid section to one or more additional lid sections, whereby the coupled lid sections form a *rigid, longitudinal modular lid* that can be opened and closed as a unit; nor
- (5) buoyancy tanks disposed within the modular lid sections for balancing gravitational and buoyancy forces.

Clearly, none of the above elements of the claimed invention are even suggested or anticipated in

any way, let alone the combination of them in a single claim. **Applicant urges Examiner to consider the fact that NONE of the individual elements listed above are specifically, or by their equivalents, mentioned or suggested or referenced or taught in any manner in *Conterno*.** The failure of *Conterno* to suggest or anticipate even a single element is sufficient to withdraw the prior art as anticipating under 35 USC 102(e), but the absence of 5 or more specific elements simply cannot support a claim of anticipation under the current law.

**Remark 6: (NO NEW MATTER)**

Applicant submits that the corrections presented herein present no new matter. All of the devices, systems, methods and/or compositions claimed herein are taught in the Drawings, Specification, Claims and Abstract and other portions of the Application as originally filed.

**Remark 7: (REQUEST FOR TELEPHONIC OR IN-PERSON EXAMINER'S INTERVIEW)**

Applicant hereby invites and requests the Examiner to attempt to resolve any further defects, deficiencies, errors or other grounds of rejection or objection to the present application, either on a formal or informal basis, by Telephonic or In-Person Examiner's Interview under 37 CFR 1.133 (see also MPEP 713.01 et seq.). Attorney for Applicant(s) can be reached from 9:00 AM-5:00 PM Monday-Friday at telephone number 650-348-1444 or by fax to (650) 348-8655 or by e-mail at [RKS@ATTYCUBED.COM](mailto:RKS@ATTYCUBED.COM).

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## CONCLUSION

Applicant respectfully submits that for all the foregoing reasons, the claimed subject matter describes patentable invention. Furthermore, Applicant submits that the specification is adequate and that the claims are in a condition for allowance. No new matter has been entered.

Applicant hereby respectfully requests Examiner to enter these amendments, find them descriptive of useful, novel and non-obvious subject matter, and authorize the issuance of a utility patent for the truly meritorious, deserving invention disclosed and claimed herein.

Without further, Applicant does not intend to waive any claims, arguments or defenses that they may have in response to any official or informal communication, paper, office action, or otherwise, and they expressly reserve the right to assert any traverse, additional grounds establishing specificity and clarity, enablement, novelty, uniqueness, non-obviousness, or other patentability, etc.

Further, nothing herein shall be construed as establishing indirectly the basis for any prosecution history, file wrapper estoppel, or similar in order to limit or bar any claim of infringement of the invention described herein, either directly or under applicable doctrine of equivalents.

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Respectfully submitted,

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Dated: October 11, 2006

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**CERTIFICATE OF TRANSMISSION:**

I hereby certify that this paper and the documents referred to as attached therein are being filed using USPTO EFS-Wed service under 37 CFR 1.10 on the date indicated and is addressed to "Commissioner for Patents.

Signed: /Leo K. Lai/      Date Transmitted: October 11, 2006

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